

July 26, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; GN Docket No. 13-5, Technology Transitions Policy Task Force; WC Docket No. 13-149, Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services; WC Docket No. 13-150, Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services  
Notice of *Ex Parte* Meeting

Dear Ms. Dortch:

On July 24, 2013, Jodie Griffin, Senior Staff Attorney, of Public Knowledge (PK) met with Alex Hoehn-Saric, Policy Director, and Priscilla Delgado Argeris, Legal Advisor, of Commissioner Rosenworcel's office.

Consistent with its motion filed July 22<sup>nd</sup>,<sup>1</sup> PK requested the Commission remove Verizon's pending § 214(a) application<sup>2</sup> from the current streamlined "fast track" consideration for the following reasons:

1) The New York Public Service Commission (NYPSC) has extended the public docket in its consideration of Verizon's application to permanently amend its tariff for Fire Island to September 13<sup>th</sup>, and will receive a report from Verizon on November 1<sup>st</sup>. The Commission has previously noted the importance of the NYPSC supervision of this process in its evaluation. In addition, the NYPSC filed in the recent public notice on AT&T's Petition for trials that it regards the events on Fire Island not a "trial" for the PSTN conversion but as a matter of importance relevant to its overall supervision of telephone service in the state of New York following Superstorm Sandy.

The data collected by the NYPSC has enormous value to the Commission's evaluation of the impact of discontinuance of copper service on Fire Island. Furthermore, the FCC

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<sup>1</sup> Motion of Public Knowledge to Remove Application to Discontinue Domestic Telecommunications Services from Streamlined Authorization, *Section 63.71 Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150 (July 22, 2013).

<sup>2</sup> See Section 63.71 Application of Verizon New York Inc. and Verizon New Jersey Inc., *Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150 (June 7, 2013).

should not undermine the state process by granting approval under § 214(a) by default while the NYPSC public comment period is still open. Accordingly, the FCC should take the pending § 214(a) applications in Docket Nos. 13-149 and 13-150 off streamlined consideration.

2) As the Bureau observed in the Public Notice in 13-150, the situation on Fire Island and the New Jersey Barrier Island are unique in the Commission's experience and wholly unexpected. The Commission has always assumed that, when a portion of a copper network is destroyed by natural disaster, the carrier will rebuild the network at some point in the future. Because this application raises unique questions with significant implications for the overall transition of the public switched telephone network (PSTN), the Commission should take the time to fully consider the matter.

More generally, consistent with the ex parte notice filed by PK on June 12<sup>th</sup> in the above captioned proceedings,<sup>3</sup> PK urged the Commission to open a process independent of pending § 214(a) applications to provide guidance to carriers with regard to their obligations in the event a network serving a community (or portion of the community) is damaged or destroyed and the carrier wishes to replace the network with an alternative technology. As the events surrounding Fire Island and the New Jersey Barrier Islands show, there is much confusion over both the process by which a carrier notifies the FCC of its intent to replace its previous network with an alternative, and what the carrier must demonstrate to show that the replacement satisfies the requirement of § 214(a) that discontinuance of the old network does not impair service to the community or is otherwise contrary to the public convenience and necessity.

PK also discussed its recent white paper, a copy of which is attached to this letter, setting forth the historical case for the Five Fundamentals that have guided our communications policies for the past 100 years.<sup>4</sup> Public Knowledge's Five Fundamentals include service to all Americans, interconnection and competition, consumer protection, network reliability, and public safety. The Commission should continue to prioritize these basic values to ensure that the transition is a step forward, not a step backward, for consumers.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/ Jodie Griffin  
*Senior Staff Attorney*  
PUBLIC KNOWLEDGE

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<sup>3</sup> Letter from Jodie Griffin, Public Knowledge, to Marlene H. Dortch, FCC, GN Docket No. 12-353, GN Docket No. 13-5, WC Docket No. 13-149, WC Docket No. 13-150 (June 12, 2013).

<sup>4</sup> Jodie Griffin and Harold Feld, *Five Fundamentals for the Phone Network Transition*, PKTHINKS (July 2013), available at <http://publicknowledge.org/five-fundamentals-phone-network-transition>.